

SEPA Rules - WAC 197-11-970
Mitigated Determination of Non-Significance (MDNS)

DSDJ, LLC Large Lot Short Plat

Description of proposal:

Division of the existing large 50.69 acre parcel into four (4) parcels ranging from ~8.5 acres to ~18.68 acres meeting the minimum lot size of the Forks Zoning Code for "R2 - Low Density Residential." Proponents will utilize a private driveway that has been in place for some time and has been used for recent logging activities of the above described parcel. The access, which will be a dedicated easement for ingress, egress, and utilities, comes off of Merchant Road south of the southern tip of the Forks Elks Lodge property. This easement is either 60' wide or a matching 30' wide easement adjacent to the eastern 30' wide easement associated with the Thimbleberry development. A single family residence (SFR) is currently underway, as an lot may construct one SFR. However, that development will, as a result of this short plat, be associated with one of the larger of the four large lots created by this voluntary short plat. Three of the four lots created by this utilize the Calawah River as their northern boundary and are subject to the City's Critical Areas Code, which adopted by reference the Clallam County Shoreline Management Plan (SMP) that is currently in the process of being adopted by the City. A critical areas review for this proposed land division is being done in conjunction with this application.

Further, as part of the Critical Areas Review, the owner of the not yet completed SFR in order to address violations associated with the Department of Natural Resource's timber harvest permit, has entered into Forest Practice Conversion Landowner Agreement addressing required mitigation. That agreement has been incorporated into this approval and the Critical Areas review.

Location of proposal:

1. The Southerly 2.91 acres of Government Lot 5; and, the East half of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, EXCEPT the South half of the Southeast $\frac{1}{4}$ of said Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ all in Section 3, Township 28 N, Range 13 W, W.M. of Section 8, T 28 N, R 13 W, W.M., Clallam County. Subject to easements referenced in Attachment A to the Personal Representative's Deed 2017-1350507 filed 6/6/17 and also 2018-1365044 filed 5/17/18.

AND

2. The northerly 12.42 acres of Government Lot 5, Section 3, Township 28 N, Range 13 W, W.M. of Section 8, T 28 N, R 13 W, W.M., Clallam County.

(A copy of the relevant portions of the plat map for this property shall be attached to the mailing associated with this notice.)

Lead Agency Rod Fleck, City Attorney/Planner
City Planning Department, City of Forks.
500 East Division
Forks, Washington 98331

Proposed Project: Large lot shortplating existing large 50.69 acre parcel into four parcels ranging from ~8.5 acres to ~18.68 acres meeting the minimum lot size of the Forks Zoning Code for "R2 - Low Density Residential." The access, which will be a dedicated easement for ingress, egress, and utilities, comes off of Merchant Road south of the southern tip of the Forks Elks Lodge property. Each lot would be accessed from the paved extension of King John's Way with the extension being constructed in such a manner as to meet City standards for roadway design and stormwater retention. A single family residence (SFR) is currently underway, as a lot may construct one SFR. However, that development will, as a result of this short plat, be associated with one of the larger of the four large lots created by this voluntary short plat.

Prior SEPA Documents: None associated with this project.

Mitigation required:

1. Critical Areas: The following conditions were established as part of the Critical Areas Code review by the Code Administrator and are adopted as being the mitigation required pursuant to SEPA.
 - The establishment of the buffer would be required as part of the division of this property and that noting that additional compliance with the specific shoreline management code provisions could occur with the future development of Lots 1 and 2.
 - Buffer shall be established, pursuant to FMC 14.20.700(3)(c), through dedication "as open space tracts, or an easement or covenant encumbering the buffer." This dedication shall be done in such a manner as to allow for its filing with the short plat documents. This buffer shall be applied to Lots 1, 2, and 3. The dedication should note that the buffer could be reduced upon submission of a habitat management plan that is consistent with the requirements of the FMC 14.20 et al. PROVIDED, that any assessment of any buffer reduction also consider the geotechnical report recommendations submitted with the application. Prior to final approval, proponents will draft all necessary easements and/or buffer dedications for review by the administrator prior to finalizing and obtaining the signature of the City Planner on the short plat. The final plat shall note that the Calawah River is considered Class I Aquatic Habitat Conservation area as defined by FMC 14.20.690. Also, the final plat shall clearly identify the channel meander zone buffer associated with preventing erosion control.

- Further, both the buffer notice needs to indicate that the FIRM Flood Maps indicate that the buffer also contains the Zone A floodplain. Any development outside of the noted buffer above may require the delineation of that floodplain based upon the proposed development.
- Proponents shall file with the Clallam County Auditor's office, as part of the materials that are approved by the City planner, a "Notice to Title" as specified and required by FMC 14.20.620. This notice to title will be filed for Lots 1, 2, and 3;
- Plat map shall also clearly state that any future development of Lots 1, 2, and 3 shall require further analysis and review of the proposed development pursuant to the critical areas code prior to obtaining further development permits and/or approvals;
- Plat map shall also clearly state that the development of proposed Lots 1, 2, and 3 will need to be done in such a way as to ensure that any on-site septic system is placed outside of the buffer area noted above in association with the identified critical areas code. Proponents will provide as part of the final plat approval a proposed location for the on-site septic system for Lot 3 that shall be recorded and incorporated into the final filed plat ensuring that both the on-site septic system and its septic reserve area lay outside of the buffer area. Further, the on-site septic registrations, if required, for Lots 1, 2, and 4 will be also filed and annotated on the final plat.
- Plat map shall also clearly state that the all stormwater must be kept on site when driveway and residential development occurs. Further, that the development of Lots 1, 2, and 3 must be done in such a manner as to ensure that the stormwater collection and infiltration system is located outside of and in a direction away from the critical areas buffer noted above; and,
- Plat map shall attach to it "Certificate of Compliance" with the Forks Critical Areas Code for the short platting of the property as proposed by the proponent subject to the requirements noted above and found within FMC Title 14.20. The certificate of compliance shall specifically note that it is in no way to be construed as an approval on future development of the properties; PROVIDED, that the proposed development of LOT 3 shall be noted as having been reviewed by and in compliance with the City's critical areas code.
- Buffer shall be established, pursuant to FMC 14.20.700(3)(c), through dedication "as open space tracts, or an easement or covenant encumbering the buffer." This dedication shall be done in such a manner as to allow for its filing with the short plat documents. Prior to final approval, proponents will draft all necessary dedications for review by the administrator prior to finalizing and obtaining the signature of the City Planner on the short plat. Calawah River and the established buffer shall be denoted as being a Class I Aquatic Habitat Conservation area as defined by FMC 14.20.690.
- Proponents shall file with the Clallam County Auditor's office, prior to final approval and signature by the City planner, a "Notice to Title" as specified and required by FMC 14.20.620 that shall be applicable to Lots 1, 2, and 3.
- Plat map shall also clearly state that any future development of Lots 1, 2, and 3 shall require further analysis and review of the proposed development pursuant to the critical areas code prior to obtaining further development permits and/or approvals;
- Plat map shall also clearly state that any future development of Lots 1, 2, and 3 will be required to comply with the Clallam County Shorelines Management Plan as adopted by the City of Forks; and,

- Plat map shall attach to it “Certificate of Compliance” with the Forks Critical Areas Code for the short platting of the property as proposed by the proponent subject to the requirements noted above. This certificate of compliance shall also apply to the development of the single family residence and its on-site septic system; PROVIDED, that the development of the site, the on-site septic system, stormwater drainage system, and the single family residence is done in a manner that ensures that it occurs outside of the designated buffer. The certificate of compliance shall specifically note that it is in no way to be construed as an approval on future development of proposed Lot 3.
2. Roadway, utility development.
- The private driveway, situated within the easement shall be required to have a City approved driveway permit from Merchants Road.
 - Future development of any of the lots may require the developer to make improvements to the private roadway pursuant the applicable City codes in effect upon the date such a future permit is submitted. Proponents have consulted with applicable professionals, and have included the City of Forks, in their design to ensure the future development of the roadway comports with City standards. Final approval of the plat will be contingent upon the installation of the roadway per City specifications, and the dedication of those improvements to the City upon the City’s acceptance.
 - Installation of utility extensions (electrical, telephone, cable, and water) shall be in accordance with the applicable utility provider and shall be installed underground. Final plat approval shall be contingent upon the installation of the utilities.

The Lead Agency has determined that the above items do not have a probable significant adverse impacts based upon the proposed mitigation required above. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2). This decision was made after review of a complete environmental checklist and other information on file with the lead agency and upon the following findings. This information is available to the public on request.

This MDNS is issued under 197-11-340 (2); the lead agency will not act on this proposal for a period of 14 days from the date of issuance to allow for DOE review and comment, as well as comments from the general public.

Comments must be submitted to the City Planner at:

Rod Fleck, City Attorney/Planner
Forks City Hall
500 East Division
Forks, Washington 98331

Comments will be accepted up to 5 p.m., 27 Sep 2021. The City will review said comments together to determine the impact upon the stated MDNS. Submittal of comments is not the same as a written appeal of this determination.

You may appeal this determination no later than 5 p.m., 27 Sep 2021, by filing a written appeal with the City Clerk of Forks at 500 East Division, Forks, Washington 98331. You should be prepared to

make specific factual objections. The appeal must be received prior to 5 P.M. Contact Rod Fleck at 360/374-5412, ext. 245 to read or ask about the procedures for appeals.

Date: 10 Sep 2021

William R. Fleck
Attorney/Planner